

Message Text

SECRET

PAGE 01 NICOSI 00740 01 OF 03 171100Z
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S E C R E T SECTION 1 OF 3 NICOSIA 0740

EXDIS

E.O. 11652: N/A
TAGS: PFOR, SY, CY, US
SUBJECT: DAVIES CASE

SUMMARY. SECTION SEVEN OF EIGHT OF OUR REVIEW OF THE CYPOL COVERING REPORT ON THE DAVIES INVESTIGATION REPORTS EYE-WITNESS ACCOUNTS OF XENOFONTOS FIRING HIS PISTOL AT THE EMBASSY AND OF PROESTOS EXPLODING A STICK OF CYNAMITE AGAINST THE EMBASSY BUILDING. THE PASYDY UNION'S POSITION THAT THEIR PEACEFUL DEMONSTRATION WAS TAKEN OVER BY MILITANTS IS SET FORTH AND PROVES CONVINCING.

BEGIN SECTION SEVEN

EVIDENCE AGAINST SEC. LT. XENOFON G. XENOFONTOS (NATIONAL GUARD)
WITNESS NO. 28 - POL. CONST. 86, ANDREAS APOSTOLOU, OF CID

IN HIS SIGNED STATEMENT HE SAID HE WENT TO THE EMBASSY AREA ON AUG. 19 ACCOMPANYING THE UNDER SECRETARY TO THE ACTING PRESIDENT, MR. PARASINOS. HE SAW XENOFONTOS AMONG THE DEMONSTRATORS WEARING MILITARY TROUSERS AND CARRYING A LUGER PISTOL IN ITS CASE AT THIS WAIST.

XENOFONTOS WAS STANDING IN AN OPEN BUILDING SITE, SOUTH OF THE EMBASSY, AND FIRING TOWARDS THE SOUTHERN SIDE OF THE EMBASSY BUILDING. AT THAT TIME, ACTING PRESIDENT CLERIDES ARRIVED AND A MEMBER OF THE EMBASSY WAS

SECRET

SECRET

PAGE 02 NICOSI 00740 01 OF 03 171100Z

SHOUTING THAT THE AMBASSADOR HAD BEEN SHOT. WHILE XENOFONTOS WAS FIRING, WITNESS NO. 28 CALLED TO HIM TO STOP, BUT XENOFONTOS CONTINUED FIRING.

WITNESS NO. 21 - BRIG. GENERAL GEORGHIOS AZINAS

IN HIS SIGNED STATEMENT HE SAID HE WAS AT THE EMBASSY ON AUG. 19, ACCOMPANIED BY XENOFON XENOFONTOS,

WHO WAS CARRYING A SERVICE PISTON AND WAS IN UNIFORM.
HE DID NOT SEE XENOFONTOS FIRING AT ANY TIME.

WITNESS NO. 29 - COSTAS N. CONSTANTINOU

IN HIS SWORN STATMENT HE SAID HE WAS AZINAS' DRIVER. AT NOON ON AUG. 19 HE DROVE AZINAS, XENOFONTOS, AND MAJOR EFSTATHIOU SOULIS TO THE EMBASSY AREA. XENOFONTOS WAS DRESSED IN GREEN MILITARY CLOTHING AND A BLACK BERET. HE DOES NOT REMEMBER IF XENOFONTOS WAS ARMED.

EVIDENCE AGAINST NICOS L. DEMETRIADES:

THE ONLY EVIDENCE IS HIS OWN ADMISSION THAT HE FIRED HIS REVOLVER TOWARDS THE EMBASSY. NO OTHER INDEPENDENT EVIDENCE EXISTS.

EVIDENCE AGAINST VASILIS PROESTOS:

WITNESS NO. 28 -POL. CONST. 86, ANDREAS APOSTOLOU OF CID.

IN HIS SIGNED STATEMENT HE SAID HE SAW A PERSON UNKNOWN TO HIM AT THE SCENE IN POSSESSION OF TWO OR THREE BUNDLES OF DYNAMITE. HE ASKED THE PERSON, "WHAT ARE YOU GOING TO DO? IF YOU THROW THE DYNAMITE AGAINST THE EMBASSY, YOU WILL NOT KILL AMERICANS ONLY BUT WILL ALSO KILL CYPRIOTS." THE UNKNOWN PERSON TOLD WITNESS NO. 28 THAT HE HAD LOST ALL OF HIS PROPERTY AND FACTORIES AT KYTHREA. THE PERSON THEN GAVE UP HIS DYNAMITE TO THE POLICE. THE NEXT DAY WITNESS NO. 28 SAW THE SAME PERSON AT THE PRESIDENT'S OFFICE AND IDENTIFIED HIS AS PROESTOS.

SECRET

SECRET

PAGE 03 NICOSI 00740 01 OF 03 171100Z

WITNESS NO. 30-ACT. POL. SGT. ANDREAS DEMETRIADES OF ALIENS BRANCH.

IN HIS SIGNED STATEMENT HE SAID HE HAD SEEN A PERSON HOLDING DYNAMITE, READY TO THROW IT AGAINST THE EMBASSY. HE TOLD THE PERSON NOT TO DO IT, SAYING THERE WERE CYPRIOTS IN THE EMBASSY. THIS PERSON THEN IGNITED THE DYNAMITE, SHOUTED FOR THE CROWD TO GET AWAY, THREW THE DYNAMITE AT THE EMBASSY, CAUSING AN EXPLOSION. WITNESS NO. 30'S DESCRIPTION OF THE DYNAMITER AGREES WITH A DESCRIPTION OF PROESTOS, WHO NOW LIVES PERMANENTLY IN GREECE.

WITNESS NO. 31 - POL. CONST. GEORGHIOS HJIANASTASIS

IN HIS SIGNED STATEMENT HE SAID HE WAS THE DRIVER FOR MR. PARASINOS ON AUG. 19 AND DROVE PARASINOS TO THE EMBASSY. HE SAW A PERSON, AGED ABOUT 40, HOLDING DYNAMITE AND SHOUTING THAT HE WAS GOING TO BLOW UP THE EMBASSY BUILDING. HE TRIED UNSUCCESSFULLY TO TAKE

THE DYNAMITE FROM THIS PERSON.

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PAGE 01 NICOSI 00740 02 OF 03 171127Z
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S E C R E T SECTION 2 OF 3 NICOSIA 0740

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WITNESS NO 5-POL. SGT. 1708 KYRIAKOS GREGORAS OF THE
ALIENS BRANCH

IN HIS SIGNED STATEMENT HE SAID HE WAS AT THE
EMBASSY AND SAW AN UNKNOWN PERSON WITH DYNAMITE. HE
DID NOT SEE THIS PERSON EXPLODE THE DYNAMITE. HE HEARD
THIS PERSON SHOUT THAT HE HAD LOST HIS PROPERTY AND
FACTORIES AT KYTHREA.

EVIDENCE AGAINST CHRISTAKIS NICOLA CHARALAMBOUS:
THE ONLY EVIDENCE IS HIS OWN ADMISSION THAT HE CAME
INTO POSSESSION OF DYNAMITE AT THE EMBASSY AREA. NO
OTHER EVIDENCE COULD BE SECURED AGAINST HIM.

EVIDENCE AGAINST CHRISTOS LEONIDA;
THE ONLY EVIDENCE IS HIS OWN ADMISSION THAT HE WAS
TRYING WITH ORTHERS TO OVERTURN A CAR, BUT THEY WERE
UNABLE TO DO SO. NO OTHER EVIDENCE WAS SECURED AGAINST HIM.

GENERAL EVIDENCE

WITNESS NO. 32 - CHARALAMBOS (HARRIS) EVANGELIDES,
AMERICAN EMBASSY EMPLOYEE

IN HIS SIGNED STATEMENT HE SAID HE WORKED AT THE
EMBASSY AS A CLERK. ON AUG. 19 HE SAW THROUGH THE
EMBASSY WINDOW SOME RIOTERS OVERTURNING EMBASSY VEHICLES,

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SECRET

PAGE 02 NICOSI 00740 02 OF 03 171127Z

BURNING THEM AND OTHERS CARRYING TINS OF PETROL FOR THIS PURPOSE. HE AND TWO OTHER CYPRIOT EMPLOYEES TOOK REFUGE ON THE STAIRCASE AT THE END OF THE CORRIDOR FROM THE AMBASSADOR'S OFFICE. AT 1205 OR 1210 HE HEARD HEAVY FIRING. SUDDENLY HE SAW THE AMBASSADOR KNEELING ON THE FLOOR IN THE INNER HALLWAY AND MOANING. HE AND MISS VARNAVA RAN TO HELP THE AMBASSADOR. HE ASKED MISS VARNAVA TO FETCH A STRETCHER. AT THIS TIME MISS VARNAVA WAS ALSO KNEELING BY THE AMBASSADOR AND WAS SHOT. HE BECAME AFRAID AND MOVED INTO A NEARBY OFFICE. THE FIRING STOPPED AFTER THE DEATH OF MISS VARNAVA. THE AMBASSADOR WAS REMOVED BY THE FIRE BRIGADE AND AN EMBASSY OFFICIAL. HE DOES NOT KNOW WHO FIRED AT THE EMBASSY.

WITNESS NO. 33 - MRS. STELLA CHARALAMBIDOU, CLERK AT AMERICAN EMBASSY

IN THE SIGNED STATEMENT SHE SAID THAT AT ABOUT 1210 HOURS SHE HEARD RIOTERS SAY THEY WOULD BURN THE EMBASSY VEHICLES. FOR MORE SECURITY SHE WENT UP TO THE FIRST FLOOR HALLWAY AND SAT ON THE STEPS. THE AMBASSADOR BEGAN SPEAKING TO HER, THEN HE FELL BACK ON THE HALLWAY FLOOR. SHE DID NOT HEAR SHOTS. SHE THOUGHT SHE FAINTED. SHE SAW BLOOD ON THE AMBASSADOR'S CHEST. SHE SAW EDDIE EDWARDS (THE EMBASSY ADMIN OFFICER) CALL FOR HELP. SHE SAW MISS VARNAVA GO TO HELP THE AMBASSADOR, WHO SEEMED UNCONCIOUS. SHE THEN HEARD SHOTS FROM THE DIRECTION SOUTH OF THE EMBASSY AND SAW MISS VARNAVA FALL TO THE FLOOR. SHE FAINTED. WHEN SHE RECOVERED SHE SAW THE AMBASSADOR AND MISS VARNAVA'S BODY BEING REMOVED. AT 1330 HOURS SHE HEARD OVER CBC RADIO THAT THE AMBASSADOR WAS DEAD.

WITNESS NO. 34 - DR. P. STARVINOS, NICOSIA GENERAL HOSPITAL. HE IS THE PATHOLOGIST WHO PERFORMED THE P.M.E. ON BOTH BODIES.

WITNESS NO. 35- GEORGHIOS IACOVOU, GENERAL SECRETARY OF PASYDY.

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PAGE 03 NICOSI 00740 02 OF 03 171127Z

IN HIS SIGNED STATEMENT HE SAID THAT SOMETIME BEFORE NOON ON AUG. 19 HE LEFT PASYDY HQS. TO JOIN THE PROCESSION TO THE AMERICAN EMBASSY. NONE OF THE GOC OFFICIALS IN THE PROCESSION WERE ARMED. THEY ARRIVED AT THE EMBASSY AROUND NOON AND SAW MANY UNKNOWN PERSONS SOUTING AND BURNING EMBASSY VEHICLES. THERE WAS MUCH TEAR GAS. HE DID NOT DELIVER HIS PREPARED PETITION. AS HE LEFT THE EMBASSY FOR THE PRESIDENTIAL PALACE HE HEARD MUCH FIRING COMING FROM THE EMBASSY AREA.

WITNESS NO. 36 - EVRIPIDES GEORGHIOU, GOC LANDS AND RECORDS OFFICE.

HE WENT TO THE EMBASSY ON JAN. 25, 1977, CONDUCTED TESTS BY THEODOLITE, AND ESTABLISHED THAT THE FATAL ROUNDS COULD NOT BE FIRED FROM ANY PLACE EXCEPT THE AREA OF THE SECOND-FLOOR WINDOW OF THE BUILDING UNDER CONSTRUCTION. END OF SECTION SEVEN.

1. EMBASSY ANALYSIS AND COMMENT:

A. THE XENOFONTOS CASE DESERVES CLOSE SCRUTINY. IT IS CLEAR THAT HE CONTINUED TO FIRE AT THE EMBASSY, EVEN AFTER BEING DIRECTED TO STOP. HE WAS WITH GREEK MAJOR SOULIS (A FRIEND OF LEFTIS) WHO WAS KNOWN TO HAVE BEEN AN IMPORTANT PARTICIPANT IN THE COUP. NEVERTHELESS, WE HAVE BEEN RECENTLY INFORMED BY A GOOD SOURCE THAT THE GOC IS CONSIDERING THE DROPPING OF CHARGES AGAINST XENOFONTOS, OSTENSIBLY BECAUSE "THE CASE AGAINST HIM IS NOT CONVINCING" AND NATIONAL GUARD MORALE WILL BE ADVERSELY AFFECTED IF HE IS CONVICTED.

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PAGE 01 NICOSI 00740 03 OF 03 171135Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
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FM AMEMBASSY NICOSIA
TO SECSTATE WASHDC 5511

S E C R E T SECTION 3 OF 3 NICOSIA 0740

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B. THE UNEXPECTED A/G ACTION IN NOT ACCEPTING THE CYPOL CASE AGAINST NICOS DEMETRIADES HAS NOW BEEN EXPLAINED. AT PHERSON'S LAST MEETING WITH CYPOL ASST. CMDR. DEMETRIOU, PHERSON DREW DEMETRIOU INTO A DISCUSSION OF THE APPARENT CONFLICT BETWEEN CYPOL AND THE A/G REGARDING THE STRENGTH OF THE CASE AGAINST DEMETRIADES. DEMETRIOU THEN CONFIDED TO PHERSON, "OFF THE RECORD", THAT INSPECTOR PETRIDES HAD FAILED TO ADVISE DEMETRIADES OF HIS RIGHTS BEFORE HE OBTAINED THE SIGNED STATEMENT CONTAINING THE SELF-INCRIMINATING ADMISSIONS. THIS INADVERTANT OMISSION ON PETRIDES'

PART EFFECTIVELY DESTROYED THE CYPOL AGAINST DEMETRIADES.

C. THE STRONG CASE AGAINST PROESTOS MAY BE DORMANT FOR A LONG TIME. THE GOC WILL MOVE AGAINST HIM ONLY WHEN AND IF HE RETURNS TO CYPRUS. NO CONSIDERATION IS BEING GIVEN TO EXTRADITION PROCEEDINGS.

D. THE IACOVOU (PASYDY) STATEMENT ADDS CREDENCE TO THE CYPOL POSITION, STATED TO PHERSON AFTER CYPOL AND CIS HAD VIEWED OUR ABC/NBC FILM COVERAGE, THAT THE PLANNED PEACEFUL PASYDY DEMONSTRATION OF AUG. 19, 1974, WAS TAKEN OVER INITIALLY BY UNARMED AKEL AND LYSSARIDES ACTIVISTS, WHO PRECEDED THE LEGAL DEMONSTRATORS TO THE SCENE. SHORTLY THEREAFTER THE DEMONSTRATION DEGENERATED INTO A RIOT WHICH WAS THEN EXPLOITED BY ARMED EOKA-B MILITANTS. WE ARE IN GENERAL
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PAGE 02 NICOSI 00740 03 OF 03 171135Z

AGREEMENT WITH THIS CONCEPT, AS FAR AS IT GOES.

2. SECTION EIGHT, TO FOLLOW, WILL CONCLUDE THESE REPORTS WITH EVIDENCE FROM THREE MORE WITNESSES AND OR OVERALL ANALYSIS OF THE DAVIES INVESTIGATION.
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